
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 59

The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000

PART I

PRELIMINARY

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 and shall come into force on 1st April 2000.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“the 1970 Act” means the Chronically Sick and Disabled Persons Act 1970;

“the 1982 Regulations” has the meaning given by regulation 3(1);

“the 1984 Act” means the Road Traffic Regulation Act 1984(1);

“disabled person” means a person more than 2 years old and falling within at least one of the prescribed descriptions in regulation 4;

“disabled person’s badge” means a badge in the form prescribed by regulation 11 issued by a local authority for display on a motor vehicle driven by a disabled person, or used for the carriage of a disabled person, and includes a replacement badge issued in accordance with regulation 7;

“disabled person’s concession” has the meaning given by section 117(3) of the 1984 Act;

“holder”, in relation to a disabled person’s badge, means the individual or institution to whom a disabled person’s badge was issued;

“institution” means an institution concerned with the care of disabled persons to which a disabled person’s badge may be issued in accordance with section 21(4) of the 1970 Act;

“individual’s badge” means a disabled person’s badge issued to an individual disabled person;

“institutional badge” means a disabled person’s badge issued to an institution;

“issuing authority”, in relation to a disabled person’s badge, means the local authority which issued the badge; and

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(2).

(1) 1984 (c. 27).

(2) 1994 (c. 39).

(2) In these Regulations a reference to an order made under any provision of the 1984 Act is to an order made, or having effect as if made, under that provision including an order varying or revoking an order made or having effect as if made under that Act.

(3) In these Regulations “relevant conviction” means—

(a) any conviction of—

(i) the holder of a disabled person’s badge; or

(ii) any other person using such a badge with the holder’s consent;

for an offence specified in paragraph (4); or

(b) any conviction of a person other than the holder of a disabled person’s badge of an offence under section 117(1) of the 1984 Act where the badge was displayed on the vehicle with the consent of the holder at any time during which the offence was being committed.

(4) The offences mentioned in paragraph (3)(a) are—

(a) any offence under section 5, 8, 11 or 16(1) of the 1984 Act so far as it relates to any contravention of or failure to comply with any provision of an order made under section 1, 6, 9 or 14 of that Act—

(i) prohibiting or restricting the waiting of vehicles on any road; or

(ii) relating to any of the matters mentioned in paragraph 7 or 8 of Schedule 1 to that Act; or

(b) any offence under section 35A(1) and (2), 47(1), 53(5), 53(6) or 117(1) of that Act.

(5) Any notice given under these Regulations shall be in writing.

Amendment of 1982 Regulations and transitional provisions

3.—(1) In the Disabled Persons (Badges for Motor Vehicles) Regulations 1982(3) (in these Regulations called “the 1982 Regulations”), after regulation 2 there shall be inserted the following regulation—

“Extent

2A. These Regulations shall not apply to Scotland.”

(2) Without prejudice to section 17 of the Interpretation Act 1978(4)—

(a) any application made to, or other thing done under, the 1982 Regulations before the coming into force of these Regulations by or in relation to a local authority shall have effect as if made or done, and may be continued, under the corresponding provision of these Regulations;

(b) any badge issued by a local authority under the 1982 Regulations shall have effect as if issued under these Regulations and shall remain in force until—

(i) the happening of an event specified in regulation 9(1) or the giving of a notice in accordance with regulation 9(2); or

(ii) the issue of a replacement in accordance with regulation 7.

(3) Any order made under the 1984 Act which refers to a disabled person’s badge shall, in relation to times falling after the coming into force of these Regulations, have effect as if the reference included a reference to a badge issued, or having effect as if issued, in accordance with these Regulations.

(3) S.I.1982/1740, amended by S.I. 1991/2708, and 1992/200.

(4) 1978 (c. 30).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
